

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EDITH PIERCE TODD,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:08CV234-MHT
)
ALABAMA MEDICAID AGENCY,)
)
Defendant.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

On March 28, 2008, plaintiff filed a motion for leave to proceed *in forma pauperis* in this action. By order entered April 3, 2008, the court denied the motion because of plaintiff's failure to indicate the amount of her salary in her affidavit in support of the motion. The court allowed plaintiff until April 14, 2008 either to pay the filing fee or file a renewed motion to proceed *in forma pauperis*, supported by an affidavit including the required information. In the order, the court advised plaintiff that her failure to comply with the order may result in dismissal of this action. As of this date, plaintiff has not renewed her motion or paid the requisite filing fee. She has not sought an extension of time to comply with the order or otherwise communicated with the court regarding this action.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this action be DISMISSED for plaintiff's failure to pay the filing fee required by 28 U.S.C. § 1914(a).

The Clerk of the Court is ORDERED to file the Recommendation of the Magistrate Judge and to serve a copy on the parties to this action. The parties are DIRECTED to file any objections to this Recommendation on or before May 6, 2008. Any objections filed

must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. Resolution Trust Co. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993); Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, this 23rd day of May, 2008.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE